

not be limited to, a description of the type of occupancy for which the certificate of occupancy or life safety compliance certificate is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

(Ord. No. 85-1530, § 1, 9-4-85; Ord. No. 90-635, § 22, 5-23-90; Ord. No. 94-1154, § 4, 10-26-94; Ord. No. 01-770, § 2, 8-15-01)

#### **Sec. 10-4. Stop work orders.**

Where construction or other work is being done contrary to the provisions of this Code, the Construction Code or the Fire Code, or is being done in an unsafe or dangerous manner, the building official may order the work stopped by notice in writing served on the person engaged in doing or causing the work to be done, and the person shall forthwith stop the work until authorized to recommence it by the building official.

(Code 1968, § 18-60; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 02-399, § 30, 5-15-02)

#### **Sec. 10-5. Reserved.**

**Editor's note**—Section 4 of Ord. No. 92-147, adopted Feb. 12, 1992, repealed § 10-5 in its entirety. Formerly, § 10-5 pertained to the securing of unoccupied buildings and derived from § 18-73 of the 1968 Code; § 1 of Ord. No. 78-243, adopted Feb. 14, 1978; § 2 of Ord. No. 86-57, adopted Jan. 21, 1986; § 3 of Ord. No. 89-1079, adopted July 12, 1989; § 23 of Ord. No. 90-635, adopted May 23, 1990; § 1 of Ord. No. 91-360, adopted Mar. 13, 1991; and §§ 5 and 6 of Ord. No. 91-1102, adopted July 31, 1991.

#### **Sec. 10-6. Deposits of foam or spray from air conditioning equipment.**

Any person who operates or permits to be operated, on property owned, leased or in his possession, control or management, any air conditioning equipment shall cause the said equipment to be operated and maintained in such a manner that no foam or water spray from such equipment blows onto or is otherwise deposited on any other person's property. Each day that such condition is allowed to continue after five

days' notice from the neighborhood protection official to correct such condition shall constitute a separate offense.

(Code 1968, § 28-17; Ord. No. 70-1720, § 1, 10-6-70; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 93-514, § 20, 5-5-93; Ord. No. 94-674, § 9, 7-6-94; Ord. No. 98-613, § 23, 8-5-98)

#### **Sec. 10-7. Maintenance of premises liable to fire.**

Any owner or occupant of any building or other structure or premises who shall keep or maintain the same when, for want of repair or by reason of age or dilapidated condition, or for any other cause, such building is especially liable to fire, and is so situated as to endanger buildings or property of others, or is especially liable to fire and is so occupied that fire would endanger other persons or other property therein, shall be guilty of a misdemeanor. Each day that such condition is allowed to continue after five days' notice by the fire marshal to correct such condition is hereby declared a separate offense.

(Code 1968, § 28-61; Ord. No. 69-756, §§ 1, 2, 4-30-69)

#### **Sec. 10-8. Reserved.**

**Editor's note**—Ord. No. 95-279, § 8, adopted Mar. 15, 1995, repealed former § 10-8, which pertained to the Fire Code.

#### **Secs. 10-9—10-30. Reserved.**

### **ARTICLE II. BUILDINGS ON UTILITY EASEMENTS**

#### **Sec. 10-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Actual notice.* Actual knowledge or such circumstances or conditions as would put a person of ordinary prudence on inquiry to determine the facts.

- (2) *Constructive notice.* Such information or facts as may be determined from instruments in writing placed of record in the office of the county clerk of the county.

(Code 1968, § 10-31)

#### **Sec. 10-32. Permit to construct—Required.**

It shall be unlawful for any person to build, erect, or construct, or cause to be built, erected or constructed any building, structure or edifice for any use or occupancy whatsoever in, upon, over or across any easement, or any part thereof, granted to the city for sanitary sewer, storm water, water main, or electric line conduit purposes, or a combination of same, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit managed, supervised, or controlled by the city or connected with the sanitary sewer system, storm sewer system, water main system or electric line conduit system of the city when such person has actual or constructive notice of such privately constructed sewers, mains, or conduits, without first procuring a written permit to do so from the utility official.

(Code 1968, § 10-32; Ord. No. 90-635, § 24, 5-23-90)

#### **Sec. 10-33. Same—Application.**

Application for a permit required by section 10-32 of this Code shall be addressed in writing to the utility official. The applicant shall set forth therein:

- (1) The true name and address of the person seeking the permit.
- (2) The name and address of the contractor employed to do the work, if any.
- (3) The nature of the building, structure or edifice proposed to be erected, including the type of construction proposed.
- (4) The use or occupancy to which such proposed building, structure or edifice is to be put.
- (5) The legal description and street address of the lot or tract of land upon which the building, structure or edifice is proposed to be built.

- (6) Whether or not such proposed building, structure or edifice, or any part thereof, will be in, upon, over or across any easement granted to the city for the purposes enumerated in section 10-32, or upon, over, or across any privately constructed sanitary sewer, storm sewer, water main, or electric line conduit of which the applicant has actual or constructive notice.

(Code 1968, § 10-33; Ord. No. 90-635, § 24, 5-23-90)

#### **Sec. 10-34. Issuance and appeals.**

(a) Upon receipt of an application for the permit required by section 10-32 of this Code, the utility official shall consider the impact of the use proposed by the applicant upon the present and probable future uses of the easement by the city, including but not limited to the city's need for ingress and egress to maintain and construct improvements within the easement and the potential risk of damage to the city's improvements. The permit shall be granted unless the utility official determines that the proposed use will materially interfere in some manner with the city's exercise and enjoyment of its easement rights.

(b) If the utility official refuses to grant such permit, the applicant may have such action reviewed by an appeal to the city council, in writing, within ten days after the decision of the utility official is published. The decision of the council shall be final.

(Code 1968, § 10-34; Ord. No. 90-635, § 24, 5-23-90)

#### **Sec. 10-35. Permit to maintain when construction permit not obtained.**

Should it be made to appear to the utility official, upon written application by any person, that a building, structure or other edifice has been constructed upon or across any sanitary sewer, storm sewer, water main or easement granted for the purpose of constructing and maintaining such utilities, and that such construction was done without the permit required by section 10-32 of this Code through inadvertence, mistake or ignorance of the existence of the sewer, water

line, or easement in question, the utility official is empowered to issue a permit to maintain such building, structure or edifice, provided that, upon investigation, the utility official is satisfied that a permit would have been granted in the initial instance prior to construction. Should the utility official refuse to issue the permit to maintain as herein provided, the applicant shall have the same right to appeal to the city council as provided in section 10-34 of this Code.

(Code 1968, § 10-35; Ord. No. 90-635, § 24, 5-23-90)

#### **Sec. 10-36. Assumption of risks by builder.**

Regardless of whether a permit has been issued therefor under this article, or not, any person who builds, erects, or constructs a building, structure, or edifice over any of the sewers, mains or lines enumerated in section 10-32 of this Code assumes all of the risks incident to such construction, and the city shall never be liable for any damage occasioned to any such building, structure, or edifice by reason of the granting of permission to build or construct the same, or because of the supervision, operation and maintenance of any sanitary sewer, storm sewer, water main, or electric line conduit, whether the same is in an easement granted to the city for that purpose or privately constructed.

(Code 1968, § 10-36; Ord. No. 90-635, § 24, 5-23-90)

#### **Sec. 10-37. Tunneling to inspect or repair utility installations.**

If, in the course of maintenance and supervision of any of the sewers, mains or conduits enumerated in section 10-32 of this Code over which a building, structure or edifice has been built or erected, it should become necessary to tunnel beneath or excavate through the floor or foundation of such building, structure or edifice for the purpose of making inspections or repairs, the person owning such building, structure or edifice, his successors or assigns, shall, regardless of whether a permit has been issued therefor under this article, or not, stand and bear all of the expense and damage occasioned to such building, structure or edifice by reason of such tunneling or excavation. In addition thereto, such person shall

likewise stand and bear the added cost incurred by the city in tunneling beneath or excavating through the floor or foundation of such building, structure or edifice for the purpose of making such inspections or repairs, the amount of which added cost is to be determined by the utility official, and such amount shall be paid promptly to the city.

(Code 1968, § 10-37; Ord. No. 90-635, § 24, 5-23-90)

**Secs. 10-38—10-47. Reserved.**

### **ARTICLE III. HOUSE MOVING**

#### **DIVISION 1. GENERALLY**

##### **Sec. 10-48. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *House.* Any building, structure or edifice.
- (2) *House moving.* The transportation of a house from place to place along or across any public street within the corporate limits of the city.
- (3) *Licensee.* A person licensed under this article to engage in the business of house moving.
- (4) *Street.* The term "street" shall mean any part of the street right-of-way, including the sidewalk area.

(Code 1968, § 10-48)

##### **Sec. 10-49. Compliance with Construction Code; landowner's agreement; bond; certificate of compliance; move to house repair or resale lot.**

(a) It shall be unlawful for any licensee to begin or complete the moving of any building onto any property in the city unless the permanent location and foundation of the building on the property complies in all respects with the Construction Code. No permit shall be issued to move